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7 AMERICAN RED CROSS BLOOD SERVICES
8 NORTHERN CALIFORNIA REGION, Improperly
Sued As The American Red Cross

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 BRIAN SETENCICH,

12 Plaintiff,

13 v.

14 THE AMERICAN RED CROSS, a non-
15 profit corporation, STEVE BROWN,
ROBERT BROWNING and DOES 1
16 through 30, inclusive,

17 Defendants.

Case No. C07-03688 SBA

**[PROPOSED] ORDER GRANTING
DEFENDANT AMERICAN RED CROSS
BLOOD SERVICES SOUTHERN
CALIFORNIA REGION'S MOTION TO
DISMISS PLAINTIFF BRIAN
SETENCICH'S COMPLAINT**

[F.R.C.P. 12(b)(6)]

**[Filed concurrently with Defendant American
Red Cross' Motion to Dismiss Plaintiff's
Complaint]**

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21 TO PLAINTIFF AND TO PLAINTIFF'S ATTORNEYS OF RECORD:

22 On September 25, 2007 at 1:00 p.m., there came on for hearing the motion of Defendant
23 American Red Cross Blood Services Southern California Region ("American Red Cross") to
24 dismiss plaintiff Brian Setencich's Complaint for failure to state a claim upon which relief can be
25 granted pursuant to Federal Rules of Civil Procedure, Rule 12(b)(6) before honorable Sandra
26 Brown Armstrong. Plaintiff was represented by _____.
27 American Red Cross was represented by _____.
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1 The Court, having considered the pleadings submitted by the parties and oral argument
2 from counsel, and good cause appearing therefor,

3 IT IS HEREBY ORDERED as follows:

- 4 1. The Motion is GRANTED in its entirety; and
- 5 2. This action is dismissed, with prejudice.

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7 DATED: _____, 2007

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10 _____
11 UNITED STATES DISTRICT COURT JUDGE
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BAKER & HOSTETLER LLP
ATTORNEYS AT LAW
LOS ANGELES

PROOF OF SERVICE

I am employed in Los Angeles County, California. I am over the age of eighteen years and not a party to the within-entitled action. My business address is 12100 Wilshire Boulevard, 15th Floor, Los Angeles, California 90025-7120. On July 24, 2007, I served a copy of the within document(s): **[PROPOSED] ORDER GRANTING DEFENDANT AMERICAN RED CROSS BLOOD SERVICES SOUTHERN CALIFORNIA REGION'S MOTION TO DISMISS PLAINTIFF BRIAN SETENCICH'S COMPLAINT**

- ☒ via electronic mail by the United States District Court – Live System.
- ☐ by placing the document(s) listed above in a sealed envelope and causing postage to be placed thereon, fully prepaid, in the United States mail at Los Angeles, California, addressed as set forth below.
- ☐ by causing the document(s) listed above to be personally delivered to the person(s) at the address(es) set forth below.

Jill P. Telfer, Esq.
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I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on July 24, 2007, at Los Angeles, California.


CHARLENE E. STAMPS